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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

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In the Matter of

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
(Crowell, Texas)

)  
)  
)  
)

MM Docket No. 01-293 /  
RM - 10303

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

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COUNTERPROPOSAL

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A.M. & P.M. COMMUNICATIONS, L.L.C.

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## **SUMMARY**

In this counterproposal, modifications are proposed to five FM radio stations in northern Texas and Oklahoma that will result in a preferential arrangement of allotments. Station KBOC, Bridgeport, Texas will upgrade from Channel 252A to 252C0 and relocate to a new transmitter site; Station KFYZ, Bonham, Texas will downgrade from Channel 252C3 to 251A, relocate, and change its community of license to Bennington, Oklahoma; Station KACO, Ardmore, Oklahoma will relocate and change its community of license to Apache, Oklahoma; Station KJMZ, Lawton, Oklahoma will change from Channel 251C1 to 250C3, relocate, and change its community of license to Cache, Oklahoma; and Station KCUB-FM, Stephenville, Texas will change from Channel 252A to 253A, relocate, and change its community of license to Ranger, Texas.

In order to achieve these modifications, Station KYYK, Palestine, Texas will change from Channel 252C2 to 252C3; Station KTIJ, Elk City, Oklahoma will change from Channel 253C to 295C1, and a channel substitution is proposed for a vacant allotment at Wellington, Texas. All affected licensees have provided statements in which they have consented to make the changes to their facilities.

As a result of these modifications, four communities (Bennington, Oklahoma, Apache, Oklahoma, Cache, Oklahoma, and Ranger, Texas), with a combined population of 6,680, will gain first local services. In addition there will be a net gain in population of 1,732,036 people and area of 12,003 square kilometers able to receive a new 60 dBu signal.

This counterproposal conflicts with the proposal set forth in the Notice of Proposed Rule Making in this proceeding, which would have allotted a first local service to Crowell, Texas on Channel 250C3. However, three of the four communities gaining first local services under this counterproposal are larger than Crowell, and their combined population easily exceeds Crowell's

1,141. As a result, this counterproposal is preferred under the Commission's FM allotment priorities.

Compliance with the Commission's spacing rules is demonstrated herein. Because all affected stations are either licensed to the proponents or have consented to the changes, the proponents are confident that the changes can be implemented smoothly and rapidly. The public interest will be served by the introduction of new local services and increased service. Accordingly, the Commission should expeditiously grant this counterproposal.

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(Crowell, Texas)	)	

To: Chief, Allocations Branch  
Policy and Rules Division  
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**COUNTERPROPOSAL**

North Texas Radio Group, L.P. ("North Texas"), licensee of Stations KBOC(FM), Bridgeport, Texas; KFYZ(FM), Bonham, Texas, and KYYK(FM), Palestine, Texas, together with A.M. & P.M. Communications, L.L.C. ("AM & PM"), licensee of Station KACO(FM), Ardmore, Oklahoma (together, "Proponents"), by their counsel, hereby submit this counterproposal to the *Notice of Proposed Rule Making*, DA 01-2376 (rel. October 12, 2001) in the above-captioned proceeding. The Proponents propose to (i) upgrade KBOC from Channel 252A to 252C0 and relocate the station to a new transmitter site; (ii) downgrade KFYZ from Channel 252C3 to 251A, relocate the station to a new transmitter site, and change its community of license to Bennington, Oklahoma; (iii) change the community of license for Channel 253C3 from Ardmore to Apache, Oklahoma and relocate the transmitter site; and (iv) downgrade KYYK from Channel 252C2 to Channel 252C3 at Palestine.<sup>1</sup> As discussed below, certain other changes to the FM Table of

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1. The proponents have pending a similar proposal to allot Channel 252C for Channel 252A at Bridgeport with several other changes in MM Docket 99-233. The proponents are withdrawing that proposal in a separate filing in order to permit the processing of this Counterproposal.

Allotments are necessary in order to make these modifications. The following table lists the proposed changes to the FM Table of Allotments (in alphabetical order):

<b>Community</b>	<b>Present</b>	<b>Proposed</b>
Ardmore, OK	253C3	---
Bennington, OK	---	251A
Cache, OK	---	250A
Elk City, OK	253C	295C1
Lawton, OK	251C1	250C3
Apache, OK	---	253C3
Bonham, TX	252C3	---
Bridgeport, TX	252A	252C0
Palestine, TX	252C2	252C3
Ranger, TX	---	253A
Stephenville, TX	252A	---
Wellington, TX	298C3	253C3

In support hereof, the Proponents state as follows:

#### **I. PRELIMINARY MATTERS**

1. All but three of the stations that are required to make changes to their facilities are licensed to the Proponents. With respect to the other three stations – KJMZ, Lawton, Oklahoma, KCUB-FM, Stephenville, Texas, and KTIJ, Elk City, Oklahoma – agreements have been entered into with the respective licensees, and each licensee has provided a statement consenting to the changes. The Proponents hereby state that they will reimburse the licensees of KJMZ, KCUB, and KTIJ for the changes to their facilities. The Proponents also hereby state that as required under Section 1.420(j), they have not paid or promised to pay, in excess of the party's expenses, any licensee, permittee or applicant for withdrawing an expression of interest, dismissing an application or forbearing to file an expression of interest or application.

2. As a final preliminary matter, should the Commission amend the table of allotments as requested herein, the Proponents, as the licensees of the respective stations, will file applications to implement the changes to each of their stations and construct the facilities expeditiously.

3. As indicated in the attached Engineering Statement (Exhibit E), by virtue of the

proposal to substitute Channel 250A at Cache, Oklahoma for Channel 251C1, Lawton, Oklahoma, this proposal conflicts with the *NPRM* proposal to allot a first local service to Crowell, Texas on Channel 250C3. *See* Exhibit E, Figure 6. However, the Commission should favor this counterproposal over the Crowell proposal under its FM allotment priorities. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). Both proposals invoke priority 3, and community population is the deciding factor in such cases. *See Athens and Atlanta, Illinois*, 11 FCC Rcd 3445 (1996). This counterproposal would result in four first local services at Bennington, Oklahoma (2000 pop. 289), Apache, Oklahoma (2000 pop. 1,616), Cache, Oklahoma (2000 pop. 2,371) and Ranger, Texas (2000 pop. 2,584), for a combined 2000 population of 6,860. By contrast, Crowell has a 2000 population of only 1,141. In addition, this proposal will achieve a large overall gain in population served.

## **II. DISCUSSION**

### **A. Station KBOC, Bridgeport, Texas**

4. As indicated in the attached channel study, Exhibit E, Figure 1, Channel 252C0 can be allotted to Bridgeport in compliance with the Commission's spacing rules provided that changes are made to the allotments at Bonham, Texas; Ardmore, Oklahoma; Stephenville, Texas; Lawton, Oklahoma; and Palestine, Texas. Each of these changes will be discussed in detail below. From the proposed site the station will provide a 70 dBu signal to Bridgeport. *See* Figure 2. North Texas, the licensee of KBOC, reiterates that it will apply for Channel 252C0 at Bridgeport should the Commission make the requested amendment to the Table of Allotments, and construct the facility if its application is granted.

5. From the new site, KBOC will provide a 60 dBu signal to a population of 1,875,234 in an area of 20,050 sq. km., with no loss area. *See* Figure 3.

## **B. Station KFYZ, Bonham, Texas to Bennington, Oklahoma**

### **1. Technical Studies**

6. As indicated in the attached channel study, Exhibit E, Figure 4, Channel 251A can be allotted to Bennington, Oklahoma in compliance with the Commission's spacing rules. From the proposed site the station will provide a 70 dBu signal to Bennington. See Figure 5. There will be a net loss in population served of 51,734 in an area of 1,555 sq. km. See Figure 6. However, this net loss is more than made up through the gains achieved elsewhere in this counterproposal. The loss area will continue to receive adequate service. See Figure 7. North Texas, the licensee of KFYZ, reiterates that it will apply for Channel 251A at Bennington should the Commission make the requested amendments to the Table of Allotments, and construct the facility if its application is granted.

### **2. Change in Community of License**

7. In *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License* ("Community of License"), 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990), the Commission stated that in order to grant a change in community of license: (1) the proposed use of the channel must be mutually exclusive with its current use; (2) the existing community of license must retain local service; and (3) the proposed arrangement of allotments must be preferred over the existing arrangement under the Commission's allotment priorities.

8. Here, the attached channel study demonstrates that the proposed allotment of Channel 251A at Bennington is mutually exclusive with the current allotment of Channel 252C3 at Bonham. See Exhibit E, Figure 4. Bonham will retain existing local service from KFYN(AM), 1420 kHz. Bennington is not located in any Urbanized Area, and the proposed 70 dBu contour will not cover an Urbanized Area. A first local service at Bennington (priority 3) is preferred under the



Commission's allotment priorities over a second local service at Bonham. *See Revision of FM Assignment Policies and Procedures, supra.*

9. Bennington is a community deserving of a first local service preference. The Town of Bennington is listed in the U.S. Census 2000 with a population of 289. The United States Post Office Zip Code 74723 is associated with Bennington and a Post Office is located in Bennington. *See Exhibit 2.* Bennington is governed by a Mayor and a five-person Board of Trustees who serve four-year terms. Bennington provides many services to its residents including a town clerk's office, police and fire protection, rural water district department, zoning and permitting and street maintenance. The Bennington Senior Citizen Community Center and the local Community Park are maintained by the town and provided recreational activities. *See Exhibit 2.*

10. There are a number of retail businesses in Bennington including restaurants, shopping and banks. The Bennington Café and the Country Kitchen Café are local dining establishments. Other retail stores include the B&P Grocery, Brese General Store, Curtis' Quick Store and D& K Quick Store. The Bennington Industrial Center is located in Bennington. The Center is an industrial incubator for local start-up businesses and the program is managed by Rural Enterprises of Oklahoma, Inc. *See Exhibit 2.*

11. Public education for children in grades pre-K-12 is provided by Bennington School District #40 and Bennington High School. The Bennington Superintendent School District's offices are located in Bennington. The Choctaw Indian Nation provides daycare and Head Start programs in Bennington. A community college, Bennington Voc-Ag, is located in the town.

12. Church services are offered by a variety of denominations such as the Assembly of God, Chishoktok Presbyterian Church and the First Baptist Church. Medical Services are provided by the Bennington Senior Citizen Center. The Sawdust Festival Campgrounds is located in Bennington. The annual Sawdust Dulcimer Festival is held in Bennington.

**C. Station KACO, Ardmore, Oklahoma to Apache, Oklahoma**

**1. Technical Studies**

13. In order to allot Channel 252C0 to Bridgeport, Texas, Station KACO, Channel 253C3, Ardmore, Oklahoma, must relocate to a new transmitter site, and change its community of license to Apache, Oklahoma. As indicated in the attached channel study, Exhibit E, Figure 8, Channel 253C3 can be allotted to Apache in compliance with the Commission's spacing rules provided that changes are made to KTIJ, Elk City, Oklahoma and Station KJMZ, Lawton, as discussed below. From the proposed site the station will provide a 70 dBu signal to Apache. *See Exhibit E, Figure 9.*

14. The allotment of Channel 253C3 to Apache will result in a net gain in 60 dBu service to 122,798 people in an increased area of 924 sq. km. *See Exhibit E, Figure 10.* The loss area will continue to receive adequate aural service. *See Figure 11.* AM & PM, the licensee of KACO, hereby reiterates that it will apply for Channel 253C3 to serve Apache and construct the facility if a permit is granted.

15. Apache, Oklahoma is a community deserving of a first local service. Apache is not located in any Urbanized Area, and the proposed 70 dBu contour will not cover an Urbanized Area. The Town of Apache is listed in the U.S. Census 2000 with a population of 1,616. The Zip Code for Apache is 73006 and a U.S. Post Office is located in Apache. *See Exhibit 2.* Apache is governed by a Board of Trustees who serve four-year terms and appoints a mayor from the board. Apache provides many services to its residents including a town clerk's office, police and fire protection, ambulance service, water waste handling, zoning and permitting, street maintenance and a housing authority. The Comanche Community Center and the Apache Community Park are maintained by the city and provide recreational activities. *See Exhibit 2.*

16. Apache was incorporated as a town on August 6, 1901. Situated off the shores of Lake Ellsworth, Apache grew out of the Federal Government open settlement lottery from the late 19th century that attracted farmers to the area. Apache was formed by local farmers to serve the needs of the large farming community that surrounds the town borders.

17. There are a large number of retail businesses in Apache including restaurants, shopping and banks. The First Bank of Apache and Chickasha Bank & Trust Co. provides banking services. The Apache Weekly News publishes every Wednesday providing local news to Apache. The Dixie Dog, Farmer's Roast, T.C. Café, Village Inn Family Restaurant and the Waterway Hole Café are local dining establishments. Other retail stores include the Apache Drug Store, Super C Grocery Store, Video Barn, "Mo" Better Clothing Co., Lazy L Inn, Apache Gifts and Flower Shop, Apache Farmers Co-Op, Sexson's Sports Center, Lake Ellsworth RV and Boat Store, Woodward Furniture and Appliances and Bill's Dollar Store, Inc. The Apache Downs' Training Track offers horse riding and racing. The Apache Chamber of Commerce promotes the local business trade. *See Exhibit 2.*

18. The Apache Public Library provides regular programs for Apache children and adults. Public education for children in grades pre-K-12 is provided by Apache Elementary School, Boone Elementary School, Apache Middle School, and Apache High School. The Boone Apache School District's offices are located in Apache. Church services are offered by a variety of denominations such as the Apache Reformed Church, Apache First Pentecostal Church, Apache Assembly of God, Apache Bethel Pentecostal Holiness Church, Apache First Baptist Church, Apache United Methodist Church, Mother of Sorrows Church, and St. Peter's Lutheran Church. Medical Services are provided by the Apache Family Medical Clinic and Apache Senior Citizen Center. The Fort Sill Apache Tribe's offices are located in Apache and provide a youth shelter and programs to the elderly. *See Exhibit 2.*

## **2. Change in Community of License**

19. The attached channel study, Exhibit E, Figure 8, demonstrates that the proposed allotment of Channel 253C3 at Apache is mutually exclusive with the current allotment of Channel 253C3 at Ardmore. Ardmore will retain existing local service from AM Station KVSO (1240 kHz), and FM Stations KLCU (90.3 MHz), KQPD (91.1 MHz), and KKAJ-FM (95.7 MHz). A first local service at Apache (priority 3) is preferred over a fifth local service at Ardmore (priority 4). *See Revision of FM Assignment Policies and Procedures, supra.*

### **D. Station KTIJ, Elk City, Oklahoma**

20. In order to allot Channel 253C3 to Apache, Oklahoma, it is necessary to substitute Channel 295C1 for Channel 253C at Elk City, Oklahoma at a new transmitter site and modify the license of KTIJ accordingly. Channel 295C1 can be allotted to Elk City in compliance with the Commission's spacing rules provided Channel 295C2 is not allotted to Altus in MM Docket No. 01-137 (the proposal has been withdrawn) and Channel 253C3 is substituted for vacant Channel 298C3 at Wellington, Texas as discussed below. See Exhibit E, Figure 12. At the new allocation reference point, the station will place a 70 dBu contour over Elk City. See Figure 13. There will be a net loss in population within the station's 60 dBu contour of 17,294 persons in an area of 1,135 sq. km. See Figure 14.

21. The licensee of KTIJ has provided a statement consenting to the changes and stating that it will apply for the modified allotment. See Exhibit 1. The Proponents hereby state that they will reimburse the licensee for the reasonable costs of making the requested modifications to its facilities.

### **E. Channel 298C3 (Vacant) at Wellington, Texas**

22. In order to substitute Channel 295C1 at Elk City, Proponent proposes to substitute Channel 253C3 for vacant Channel 298C3 at Wellington, Texas. Channel 253C3 can be allotted to

Wellington in compliance with the Commission's spacing rules at its current reference coordinates. See Figure 15.

**F. Station KCUB, Stephenville to Ranger, Texas**

**1. Technical Studies**

23. In order to allot Channel 252C0 to Bridgeport, Texas, Station KCUB, Channel 252A, Stephenville, Texas, must change its channel, relocate to a new transmitter site, and change its community of license to Ranger, Texas. As indicated in the attached channel study, Exhibit E, Figure 16, Channel 253A can be allotted to Ranger in compliance with the Commission's spacing rules. From the proposed site the station will provide a 70 dBu signal to Ranger. See Exhibit E, Figures 17 and 17A.

24. The allotment of Channel 253A to Ranger will result in a net loss in 60 dBu service to 12,170 people but a net gain in area of 673 sq. km. See Exhibit E, Figure 18. The loss area will continue to receive adequate aural service. See Figure 19. The licensee of KCUB has provided a statement consenting to the changes and stating it will apply to operate at a new transmitter site. See Exhibit 1. The Proponents hereby state that they will reimburse the licensee for the reasonable costs of making the requested modifications to its facilities.

**2. Change in Community of License**

25. The attached channel study, Exhibit E, Figure 16, demonstrates that the proposed allotment of Channel 253A at Ranger is mutually exclusive with the current allotment of Channel 252A at Stephenville. Stephenville will retain existing local service from Station KSTV(AM) (1510 kHz). A first local service at Ranger (priority 3) is preferred over a second local service at Stephenville (priority 4). See *Revision of FM Assignment Policies and Procedures, supra*.

26. Ranger is a community deserving of a first local service. Ranger is not located in any Urbanized Area, and the proposed 70 dBu contour will not cover an Urbanized Area. Ranger is a

city in northeastern Eastland County, Texas. Ranger was incorporated in 1919. The city derived its name from the Texas Rangers, who had a camp in a valley near the present city in the 1870s. Initially an agricultural center, the population exploded with the discovery of oil in Ranger in 1917. The U.S. Census for Ranger reached a maximum of 16,201 in 1920, but it is estimated that the city had as many as 30,000 residents at the height of the oil boom. By 1921, the boom was over, and the community returned to its agricultural origins. See Exhibit 2. According to the 2000 U.S. Census, the population of Ranger is 2,584. See Exhibit 2.

27. Ranger has its own zip code, 76470, and a branch office of the U.S. Post Office. The Ranger government is composed of five elected council members, who serve as mayor, police commissioner, street commissioner, finance commissioner, and water commissioner. The city government employs a city manager, city secretary, water manager, and webmaster. Ranger has a fire department, police department, recycling center, and street and parks department. See Exhibit 2.

28. The Ranger Independent School District is governed by a superintendent, four school board members, and a school board president. The School District provides education from pre-K through 12th grade. Ranger College, also located in Ranger, is a two-year college with an enrollment of more than 800 students. See Exhibit 2.

29. Ranger has its own newspaper, the Ranger Times. It is home to the Ranger Historical Preservation Society and the Roaring Ranger Museum, which is dedicated to the history of the oil boom of 1917-1921. The city is served by the Ranger Municipal Airport. See Exhibit 2.

30. Ranger has an ample supply of restaurants and accommodations. It is home to a large number of businesses and retail establishments, many of which are members of the Ranger Chamber of Commerce. In addition to farming, industries in Ranger include athletic apparel manufacturing,

railcar repair, aircraft and commercial printing press components, meat processing and frozen foods, and oil and gas production. See Exhibit 2.

**G. Station KJMZ, Lawton to Cache, Oklahoma**

**1. Technical Studies**

31. In order to allot Channel 252C0 to Bridgeport, Texas and Channel 253C3 at Apache, Oklahoma, it is necessary to substitute Channel 250A at Cache, Oklahoma for Channel 251C1 at Lawton, Oklahoma and modify the license of KJMZ accordingly. Channel 250A can be allotted to Cache at a new transmitter site in compliance with the Commission's spacing rules, provided Channel 250C3 is not allotted to Crowell, Texas and Channel 295C1 is substituted at Elk City as previously discussed. See Exhibit E, Figure 20. The station will place a 70 dBu contour over Cache. See Figure 21. There will be a net loss in population within the station's 60 dBu contour of 54,341 persons in an area of 3,199 sq. km. See Figure 22. The loss area will continue to receive adequate service. See Figure 23.

32. The licensee of KJMZ has provided a statement consenting to the changes and stating it will file an application for a new transmitter site for Cache. See Exhibit 1. The Proponents hereby state that they will reimburse the licensee for the reasonable costs of making the requested modifications to its facilities.

**2. Change in Community of License**

33. The attached channel study, Exhibit E, Figure 25 demonstrates that the proposed allotment of Channel 250A to Cache is mutually exclusive with the current allotment of Channel 251C1 at Lawton. Lawton will retain local service from two AM stations and eight FM stations. A first local service at Cache (priority 3) is preferred over a tenth local service at Lawton (priority 4). *See Revision of FM Assignment Policies and Procedures, supra.* Cache is not located in any Urbanized Area. Lawton is the main city in the Lawton Urbanized Area. The proposed 70 dBu

signal will cover more than 50 percent of the Lawton Urbanized Area. However, no *Tuck* showing is required because the station is not moving from a rural to an urbanized area. *See Monck's Corner, Kiawah Island and Sampit, South Carolina*, 15 FCC Rcd 8973 (2000); *East Los Angeles, Long Beach and Frazier Park, California*, 10 FCC Rcd 2864 (1995).

34. Cache, Oklahoma is a community deserving of a first local service. The City of Cache is listed in the U.S. Census 2000 with a population of 2,371. The United States Post Office Zip Code 74723 is associated with Cache and a Post Office is located in Cache. *See Exhibit 2.* Cache is governed by a Mayor and a four-person Board of Trustees who serve four-year terms. Cache provides many services to its residents including a City Hall, City Clerk's office, police and volunteer fire protection, water department, zoning and permitting, street maintenance, animal control, building and safety and nutrition programs. The Cache Senior Citizen Community Center and the local community park are maintained by the city and provided recreational activities. *See Exhibit 2.*

35. Cache was incorporated as a city in 1905. Cache had its beginning when the Federal Government opened the Indian tribal lands to settlement. The city has grown steadily as a result of its close proximity to Fort Sill Army Base evidenced by a spate of recent housing developments and the construction of a new post office.

36. There are a large number of retail businesses in Cache including restaurants, shopping and banks. The Bank of Elgin and the Bank of The Wichitas provide banking services. The Cache Times is a weekly newspaper that provides local news to the citizens of Cache. Sub Shack & Burgers, Beeson's Café, C&C Grill, Pizza Express, J B T's and the Lonesome Dove are local dining establishments. Other retail stores include the Cotton Electric Co-op, Ken's Food Store, Klein's Autohaus, Mother Lode Graphics, Blue Moon Screen Printing, Jackson's Kerr-McGhee Service



Station, Bulldog Video, J&J Finance Co., and C2 Multimedia, Inc. The Cache Chamber of Commerce promotes the local business trade. *See Exhibit 2.*

37. Public education for children in grades pre-K-12 is provided by Cache Intermediate, School, Cache Middle School, Cache Primary School and Cache High School. The Cache Superintendent's offices are located in Cache. The Comanche Indian Tribe's Smiling Faces Learning Center provides daycare and instructional programs and is located in Cache. *See Exhibit 2.*

38. Church services are offered by a variety of denominations such as the Cache Christian Church, Cache First Baptist Church, First Baptist Church of Cache, Peace Congregational Church, New Life Assembly Church and the Komah Memorial Nazarene Church. Medical Services are provided by the Cache Senior Citizen Center. The Cache Lion's Club is located in Cache and have meetings the first and third Thursdays of each month. The Wichita Mountain Wilderness was established in 1970 as part of the National Wilderness Preservation System and is located in Cache and parts of the Wilderness are open to the public. *See Exhibit 2.*

#### **H. Station KYYK, Palestine, Texas**

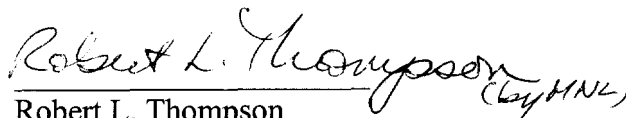
39. In order to allot Channel 252C0 to Bridgeport, Texas, it is necessary to substitute Channel 252C3 for Channel 252C2 at Palestine, Texas, and modify the license of KYYK accordingly. Channel 252C3 can be allotted to Palestine at a new transmitter site in compliance with the Commission's spacing rules. *See Exhibit E, Figure 24.* The station will continue to place a 70 dBu contour over Palestine. *See Figure 25.* There will be a net loss in population within the station's 60 dBu contour of 130,467 persons in an area of 3,755 sq. km. *See Figure 26.* North Texas, the licensee of KYYK, hereby reiterates that it will apply for Channel 252C3 at Palestine at a new transmitter site and construct the facility if a permit is granted.

### III. CONCLUSION

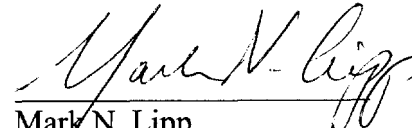
40. Grant of this Counterproposal is in the public interest because it will provide new first local services at Bennington, Apache, Cache and Ranger, and a net overall gain in 60 dBu service to 1,732,036 people in an area of 12,003 more sq. km. See Figure 27. The Proponents are confident that the changes can be implemented smoothly with a minimum of disruption. This Counterproposal is preferred over the Crowell proposal under the Commission's allotment priorities. Accordingly, the Commission should grant this Counterproposal.

Respectfully submitted,

NORTH TEXAS RADIO GROUP, L.P.  
A.M. & P.M. COMMUNICATIONS, L.L.C.

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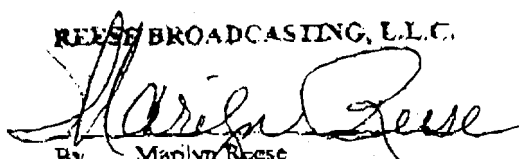
## **EXHIBIT 1**

**Station KCUB-FM  
Stephenville, Texas**

Reese Broadcasting, L.L.C. ("Reese"), licensee of Station KCUB-FM, Stephenville, Texas, hereby agrees to have KCUB's channel changed from Channel 252A to Channel 253A, its transmitter site relocated, and its community of license changed. Reese will apply to implement the changes should the Commission approve the amendments to the FM Table of Allotments. Reese understands that this statement may be used in a filing with the Commission and hereby authorizes its use for that purpose.

I verify that this statement is true, complete and correct to the best of my knowledge and belief and is made in good faith.

REESE BROADCASTING, L.L.C.

  
By Marilyn Reese  
Title Manager

**Station KTHJ  
Elk City, Oklahoma**

Fuchs Radio, Inc. ("Fuchs"), licensee of Station KTHJ, Elk City, Oklahoma, hereby agrees to have Station KTHJ's license modified to change channel and class from Channel 253C to 293C1 and change transmitter site reference point in compliance with the Commission's spacing rules. Fuchs will file an application to implement the changes should the Commission approve the modifications. Fuchs understands that this statement may be used in a filing with the Federal Communications Commission and hereby authorizes its use for that purpose.

I verify that this statement is true and accurate to the best of my knowledge, information and belief and is made in good faith.

**FUCHS RADIO, INC.**

By: Chad Fuchs  
Its: PRESIDENT

Station KJMZ  
Lawton, Oklahoma

Perry Broadcasting of Lawton, Inc. ("Perry"), licensee of Station KJMZ, Lawton, Oklahoma, hereby agrees to have KJMZ's channel and class of channel changed from Channel 251C1 to Channel 250A, its transmitter site relocated, and its community of license changed. Perry will apply to implement the changes should the Commission approve the amendment to the FM Table of Allotments. Perry understands that this statement may be used in a filing with the Commission and hereby authorizes its use for that purpose.

I verify that this statement is true, complete and correct to the best of my knowledge and belief and is made in good faith.

Perry Broadcasting of Lawton, Inc.

By: 

Its:

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**ENGINEERING STATEMENT**

**IN SUPPORT OF A**

**COUNTERPROPOSAL**

**MM Docket 01-293, RM-10303**

**North Texas Radio Group, LP**

**AM & PM Communications, LLC**

**Prepared by:**

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**December, 2001**

## **Engineering Statement**

### **In Support of a**

### **Counterproposal**

**MM Docket 01-293, RM-10303**

**North Texas Radio Group, LP**

**AM & PM Communications, LLC**

### **General**

The instant counterproposal was prepared for North Texas Radio Group, LP and AM & PM Communications, LLC (herein referred to as "The Petitioners"). Currently North Texas Radio Group, LP is the licensee of KFYZ, Channel 252C3, Bonham, Texas; KBOC, Channel 252A, Bridgeport, Texas; and KYYK Channel 252C2, Palestine, Texas. AM & PM Communications, LLC is the licensee of KACO, channel 253C3, licensed to Ardmore, Oklahoma. It is prepared and submitted in response to an NPRM for MM Docket 01-293 (see DA01-2376). In the current NPRM Jeraldine Anderson sought to allot channel 250C3 at Crowell, Texas as that community's second local service. The instant counterproposal seeks to have that petition denied because channel 250C3 at Crowell is short spaced to channel 250A at Cache, Oklahoma. The Joint Petitioners propose to have channel 250A allotted to Cache for use by KJMZ.

### **Methods**

The Petitioners' counterproposal is presented in sections, with each channel or licensed facility where a change is proposed is discussed individually. All sections begin with an allocation or channel spacing study. The proposed modification's technical compliance is then supported by additional exhibits.

All searches were performed on a V-Soft SearchFM program and verified with the EDX FMSR search program. The studies were based on the latest technical data from the



Commission's databases. A professional mapping program from MapInfo Corporation, MapInfo Version 5.5, was used to conduct mapping, population counts, and gain/loss areas. The program contains the exact community boundaries of the relevant cities. In pertinent cases where community boundaries were critical, the boundaries were cross-checked with the U.S. Census Bureau's TIGER maps. All modifications that require a class change or antenna site modification have a gain/loss study for population and square kilometers.

Normally when Reynolds Technical Associates (RTA) allocation studies are submitted with Petitions for Rule Making and/or counterproposals all data entries that have comments are in boldface type. However, the allocation studies in this particular counterproposal include entries similar to those being proposed by the instant counterproposal. In order to differentiate between a previous counterproposal including KBOC and the instant Joint Petitioners' counterproposal, only those entries that propose an addition to the database are highlighted (boldface).

Finally, normal channel studies from RTA give separations of pertinent stations to a clearance margin of between 25 and 50 kilometers. However, in the instant counterproposal the majority of the stations involved center around channels of close proximity; i.e., channels 250 through 253. Therefore, the margins have been extended on the proposed additions to the database involving these channels to a clearance margin of 300 kilometers.

#### **Nature of The Joint Petitioners' Counterproposal**

A summary of all communities and their related channels (present and proposed) is included in Table 1 for reference. The Petitioners propose to substitute channel 252C0

for channel 252A at Bridgeport. In order to accomplish this, various channels and licensed facilities are proposed to be modified in order to create compliance with §73.207. The counterproposal provides for first local services at Bennington, Apache, Cache (all Oklahoma), and Ranger, Texas. It also creates an increase in population and square kilometers covered. In addition, it creates an upgrade for KBOC at Bridgeport, Texas from channel 252A to channel 252C0. The advantage of these changes is demonstrated by the large increase in the number of persons served by the new 60-dBu contour.

The allotment of channel 252C0 at Bridgeport requires the following modifications:

- I). KFYZ - channel 252C3, Bonham, Texas (Bennington, Oklahoma). Presently KFYZ operates on channel 252C3 licensed to Bonham, Texas. In order to eliminate a short space between KBOC on channel 252C0 and KFYZ at Bonham (108.60 km), the Joint Petitioners propose to delete channel 253C3 at Bonham and allot channel 251A at Bennington, Oklahoma as that community's first local service. No other spectrum changes are needed to effectuate this change. The allotment of channel 251A at Bennington is short to the licensed site of KFYZ by 28.47 kilometers. This short space verifies that the allotment of channel 251A at Bennington is MX with the licensed facility of KFYZ. In addition, the allotment of channel 251A at Bennington clears the allotment of channel 252C0 at Bridgeport by 2.47 kilometers.
- II). KACO - channel 253C3, Ardmore, Oklahoma (Apache, Oklahoma). The allotment of channel 252C0 at Bridgeport creates a short space to the licensed facility of KACO of 72.38 kilometers. To eliminate this short space, the Joint Petitioners propose to delete channel 253C3 at Ardmore and allocate channel 253C3 at Apache,

Oklahoma as that city's first local service. The proposed allotment of channel 253C3 at Apache is short spaced to the licensed KACO facility by 21.25 kilometers. However, it is clear to the allotment of channel 252C0 at Bridgeport by 12.63 kilometers. In order to allot channel 253C3 to Apache, the following sub-changes are required.

A.) KTIJ - channel 295C1, Elk City, Oklahoma. If channel 253C3 is allotted to Apache, it creates a short space of 129.14 kilometers to the licensed site for KTIJ, channel 253C at Elk City, Oklahoma. The Joint Petitioners propose to eliminate this short space by substituting channel 295C1 for channel 253C at Elk City for use by KTIJ. The substitution requires a site reference change and an additional sub-change.

1). ADD - channel 296C3, Wellington, Texas. Presently channel 298C3 is allotted to Wellington, Texas. In an unrelated proceeding (MM Docket No. 00-148), it was proposed that channel 298C3 at Wellington be deleted and channel 296C3 be substituted. However, the substitution of channel 295C1 at Elk City creates a short space to channel 296C3 at Wellington of 64.41 kilometers. The Joint Petitioners propose to eliminate this short space by substituting channel 253C3 for channel 298C3 (or for channel 296C3 if already allotted) at Wellington. Channel 253C3 at Wellington is currently not available for allotment and can exist only after channel 253C at Elk City is deleted. It should also be noted that channel 253C3 at Wellington is fully spaced to channel 253C3 at Apache by 30.79

kilometers. No further sub-changes are necessary for this proposed substitution.

- 2). ADD – channel 295C2, Altus, Oklahoma. The allotment of channel 295C1 at Elk City creates a short space to a proposed allotment of channel 295C2 at Altus, Oklahoma of 153.41 kilometers. This proposed rule making is being withdrawn and is of no concern.
- 3). ALLOC – channel 294C2, Okarche, Oklahoma. Currently the database continues to retain the allotment reference coordinates for channel 294C2 at Okarche, Oklahoma for use by KTUZ. This allotment reference should have been deleted with the grant of a CP to KTUZ licensed to Okarche. Furthermore, KTUZ is now a licensed facility on channel 294C2. As a result, the apparent short space created by the allotment of channel 295C1 at Elk City does not exist and is of no concern.

B.) KJMZ - channel 251C1, Lawton, Oklahoma (channel 250A, Cache, Oklahoma). The allotment of channel 253C3 to Apache creates a short space of 40.77 kilometers to the licensed facility of KJMZ, channel 251C1, Lawton, Oklahoma. However, KJMZ is moving from channel 251C1 to channel 250A in order to accommodate the upgrade of KBOC on channel 252C0. When KJMZ is modified to channel 250A at Cache, the short spacing is eliminated. The modification proposed for KJMZ is discussed under a major heading in the narrative below.

III) KCUB - channel 252A, Stephenville, Texas (channel 253A, Ranger, Texas). The substitution of channel 252C0 at Bridgeport creates a short spacing to the licensed

facility of KCUB by 60.45 kilometers. To eliminate this short spacing, the Joint Petitioners propose to delete channel 252A at Stephenville and allot channel 253A at Ranger, Texas as that community's first local service. The proposed allotment coordinates for channel 253A at Ranger are short spaced to KCUB's licensed coordinates by 20.21 kilometers, thus demonstrating the MX relationship between KCUB's licensed facility and the allocation of channel 253A at Ranger. The allotment of channel 253A at Ranger clears the allotment of channel 252C0 at Bridgeport by 15.45 kilometers. No additional sub-changes are required for this modification.

IV). KJMZ – channel 251C1, Lawton, Oklahoma (channel 250A, Cache, Oklahoma).

Presently KJMZ operates on channel 251C1 licensed Lawton, Oklahoma. The Joint Petitioners propose to delete channel 251C1 at Lawton and allot channel 250A at Cache, Oklahoma as that community's first local service. The allotment of channel 250A at Cache is short spaced to the licensed site of KJMZ by 113.51 kilometers, thus demonstrating the MX relationship between the licensed and proposed facilities. However, it must be noted that the allotment of channel 250A at Cache is short spaced to the proposed allotment of channel 250C3 at Crowell, Texas by 10.14 kilometers. **Therefore, the instant counterproposal is MX with the NPRM in MM Docket 01-293 at this point.**

V) KYYK – channel 252C2, Palestine, Texas (channel 252C3, Palestine, Texas).

Presently KYYK operates on channel 252C2 licensed to Palestine, Texas. It is short spaced to the proposed allotment of channel 252C0 at Bridgeport by 9.48 kilometers. The Joint Petitioners request the substitution of channel 252C3 for channel 252C2 at

Palestine with a change in reference coordinates. This substitution requires no other spectrum modifications.

This completes the spectrum changes required to allocate channel 252C0 at Bridgeport, Texas.

## **EXHIBITS EXPLAINED**

### **KBOC**

Exhibit E, Figure 1 is an allocation study depicting the spacing to all known FM facilities that are affected by the allotment of channel 252C0 at Bridgeport. The study depicts all of the major on-channel and adjacent channel modifications required, but not the subchanges. Exhibit E, Figure 2 is a map generated using the programs and techniques in the Methods section of the instant counterproposal. This study depicts the KBOC channel 252C0 allotment coordinates, a maximum class C0 70 dBu contour, and the community boundaries of Bridgeport. It demonstrates full compliance with §73.315 of the Rules. Exhibit E, Figure 3 is a map demonstrating the gain and loss area of the respective 60 dBu contours for KBOC.

### **KFYZ**

Exhibit E, Figure 4 is an allocation study depicting the spacing to all known FM facilities that are affected by the substitution of channel 251A at Bennington, Oklahoma for channel 252C3 at the licensed site of KFYZ, Bonham, Texas. Exhibit E, Figure 5 is a hypothetical 70 dBu contour showing coverage of 100% of Bennington with a 70 dBu contour. Exhibit E, Figure 6 is a gain/loss study for KFYZ. Exhibit E, Figure 7 is a remaining services study depicting that no points in the loss area will be left with at least 5 aural services.

### KACO

Exhibit E, Figure 8 is an allocation study showing the spacing to all known FM facilities that are affected by the substitution of channel 253C3 at Apache for channel 253C3 at Ardmore (KACO). Exhibit E, Figure 9 is a 70 dBu contour over 100% of Apache by the proposed allotment of channel 253C3 at Apache. Exhibit E, Figure 10 is a gain/loss study for KACO. Exhibit E, Figure 11 is a remaining services study that shows every point inside the loss area will continue to receive at least 5 aural services.

### KTIJ

Exhibit E, Figure 12 is an allocation study showing that channel 295C1 can be allocated to Elk City for use by KTIJ once channel 253C3 has been substituted 296C3 at Wellington, Texas and the proposed allotment of channel 295C2 has been withdrawn. Exhibit E, Figure 13 is a map showing the hypothetical class C1 70 dBu over Elk City, while Exhibit E, Figure 14 shows the population and area gained and lost by the proposed modification of KTIJ.

### ADD, Channel 253C3

Exhibit E, Figure 15 is an allocation study depicting spacing to all known FM facilities for the substitution of channel 253C3 for channel 296C3 at the allotted coordinates of channel 296C3 (or channel 298C3), Wellington, Texas. It shows that no additional sub-changes are required, once channel 253C at Elk City is deleted.

### KCUB

Exhibit E, Figure 16 is an allocation study depicting spacing to all known FM facilities for the substitution channel 253A at Ranger, Texas for channel 252A at the licensed site of KCUB, Stephenville, Texas. This study shows no sub-changes are required for this

substitution. Exhibit E, Figure 17 is a hypothetical 70 dBu contour map showing 100% coverage of Ranger by KCUB on channel 253A. Exhibit E, Figure 17A is a zoomed view of Exhibit E, Figure 17. This map clearly shows that all of the city of Ranger is covered with a 70 dBu contour. Exhibit E, Figure 18 is a gain/loss study for KCUB. Exhibit E, Figure 19 is a remaining services study that shows all points within the KCUB loss area will continue to receive at least 5 aural services.

#### KJMZ

Exhibit E, Figure 20 is an allocation study depicting the spacing to all known FM facilities that are affected by the substitution of channel 250A at Cache, Oklahoma for channel 251C1 at Lawton, Oklahoma. The study demonstrates that no additional channel changes are needed for this substitution once channel 253C is deleted at Elk City. Exhibit E, Figure 21 is hypothetical 70 dBu contour map showing 100% coverage of Cache. Exhibit E, Figure 22 is a gain/loss study map showing the population and area gained and lost due to the proposed site modification. Exhibit E, Figure 23 is a remaining services study. This study demonstrates that all points within the KJMZ loss area will continue to be served from at least 5 aural services.

#### KYYK

Exhibit E, Figure 24 is an allocation study demonstrating that channel 253C3 can be substituted for channel 253C2 (with a site change) at Palestine, Texas. No additional spectrum changes are required to effectuate this substitution. Exhibit E, Figure 25 is a 70 dBu contour map showing coverage of 100% of Palestine with a 70 dBu contour. Exhibit E, Figure 26 is a gain loss study for KYYK.



### **The Joint Petitioners' Counterproposal Gain-Loss Area**

Exhibit E, Figure 27 is a tabulation of the gain/loss area for each facility which requires an antenna location or class change. The study includes seven facilities that have a deviation in their coverage area proposed by the instant counterproposal. Listed in the study is each station's loss and gain area in square kilometers and the population gains and losses in number of persons according to the U.S. Census Bureau's estimated 1999 population figures. It depicts a cumulative total loss area of 23,292 square kilometers and a gain area of 35,295 square kilometers. The Petitioners counterproposal has a net area gain of 12,003 square kilometers.

The population loss has a cumulative loss of 361,931 persons, while the population gain is 2,093,967 persons. Therefore, the net population gain of The Petitioners' counterproposal is 1,732,036 persons.

### **Conclusion**

The Joint Petitioners' counterproposal has demonstrated that it is in technical compliance with the present Commission Rules concerning such actions. The counterproposal produces new first local services at Bennington, Apache, and Cache (all Oklahoma) and Ranger, Texas. It also provides for the upgrade of KBOC to a class C0.

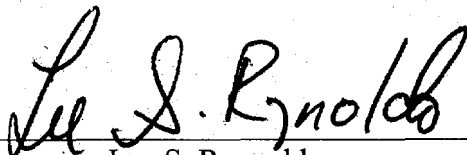
### **Statement of the Consultants**

The instant engineering portion of a counterproposal was prepared for North Texas Radio Group, LP. and AM & PM Communications, LLC ("The Joint Petitioners") and supports a counterproposal to MM Docket 01-293, RM-10303. It was developed by Reynolds Technical Associates (RTA) and may not be used for purposes other than submission to the Commission by the Joint Petitioners.

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The information in this application is compiled from the most recent Commission and outside data. RTA is not responsible for errors resulting from incorrect data or unpublished rule and procedure changes.

For RTA:

  
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